

ESTTA Tracking number: **ESTTA434066**

Filing date: **10/05/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Target Brands, Inc.
Granted to Date of previous extension	10/05/2011
Address	1000 Nicollet Mall, TPS-3165 Minneapolis, MN 55403 UNITED STATES
Attorney information	Timothy J. Cruz Faegre & Benson LLP 2200 Wells Fargo Center 90 South 7th Street Minneapolis, MN 55402 UNITED STATES trademarksmpls@faegre.com, tcruz@faegre.com Phone:612-766-8049

Applicant Information

Application No	85178122	Publication date	06/07/2011
Opposition Filing Date	10/05/2011	Opposition Period Ends	10/05/2011
Applicant	Bannister, Joshua PO Box 16562 Sugar Land, TX 77496 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Suits, pants, shirts, jackets, vests, coats, shorts, dresses, skirts, blouses, sweaters, hats, shoes, sandals, and underwear

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1146216	Application Date	03/26/1979
Registration Date	01/20/1981	Foreign Priority Date	NONE
Word Mark	TARGET		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 025. First use: First Use: 1962/05/01 First Use In Commerce: 1965/12/10 MEN'S, WOMEN'S AND CHILDREN'S CLOTHING-NAMELY, HOSIERY, UNDERWEAR, [JEANS,] [DIAPERS,] SLEEPWEAR, [INFANT PLASTIC PANTS,] SHIRTS AND GLOVES

U.S. Registration No.	1282569	Application Date	09/30/1982
Registration Date	06/19/1984	Foreign Priority Date	NONE
Word Mark	TARGET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 MEN'S, WOMEN'S AND CHILDREN'S CLOTHING-NAMELY, [HOSIERY, UNDERWEAR, [JEANS] DIAPERS, SLEEPWEAR, INFANT PLASTIC PANTS,] SHIRTS [AND GLOVES]		

Attachments	73397606#TMSN.gif (1 page)(bytes) Bannister.pdf (5 pages)(9030 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/tjc/
Name	Timothy J. Cruz
Date	10/05/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Serial No.: 85/178,122

For the Mark: TASTY TARGET

Filed: November 16, 2010

Published: June 7, 2011

<hr/>)	Opposition No. _____
TARGET BRANDS, INC.)	
)	
Opposer,)	
)	
v.)	<u>NOTICE OF OPPOSITION</u>
)	
JOHUA BANNISTER)	
)	
Applicant.)	
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Opposer Target Brands, Inc. (“TBI”) is a Minnesota corporation having its principal place of business at 1000 Nicollet Mall, Minneapolis, MN 55403.

TBI believes that it will be damaged by the registration of the mark in Trademark Application Serial No. 85/178,122 (the “‘122 Application”), and hereby opposes the same.

As grounds of this opposition, it is alleged that:

1. TBI is a wholly-owned subsidiary of Target Corporation (“Target”).
2. Target operates, among other things, a chain of family-oriented TARGET® discount retail department stores, now numbering more than 1,700 stores in 49 states. Target also offers on-line discount retail department stores services at *www.target.com*.

3. Target has since at least as early as 1962 made extensive use of the TARGET mark in connection with retail department store services and the sale of a variety of apparel goods.

4. TBI's TARGET mark is among the most famous marks used in the United States. Consumers recognize and associate the mark TARGET with Target's retail services and goods.

5. TBI is the owner of United States Registration No. 1,146,216, filed March 26, 1979, for the mark TARGET for use in connection with a variety of clothing, including shirts and underwear, within Class 25.

6. TBI is the owner of United States Registration No. 1,282,569 filed September 30, 1982, for the mark TARGET and bullseye design for use in connection with clothing in Class 25.

7. TBI licenses the TARGET, and TARGET and bullseye design marks for use by Target.

8. Upon information and belief, applicant Joshua Bannister ("Applicant") is an resident of the state of Texas with an address at P.O. Box 16562 Sugar Land, TX 77496.

9. On November 16, 2010 Applicant filed the '122 Application to register the mark TASTY TARGET for use in connection with a variety of clothing, including shirts and underwear, within Class 25.

10. The actual, continuous, and continuing use of TBI's TARGET mark began prior to the filing of Applicant's '122 Application. Upon information and belief, the actual,

continuous, and continuing use of TBI's TARGET mark began prior to any use by Applicant of the mark shown in the '122 Application.

11. The TASTY TARGET mark claimed in Applicant's '122 Application so resembles TBI's TARGET mark as to be likely, when used in connection with the goods in Class 25 shown in the '122 Application, to cause confusion, to cause mistake, and/or to deceive.

12. The mark in Applicant's '122 Application cannot be registered consistent with Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, TBI believes that it would be damaged by registration of the mark shown in Applicant's '122 Application, and prays that Application Serial No. 86/178,122 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of TBI.

The requisite filing fee of \$300.00 is submitted herewith. If the amount submitted is determined to be incorrect, the Commissioner may charge any additional fees or to credit any over payment to Deposit Account No. 06-0029.

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Please address all correspondence to:

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2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402

Dated: October 5, 2011

FAEGRE & BENSON LLP

By /s/ Timothy J. Cruz
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Telephone: (612) 766-7000
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Attorneys for Target Brands, Inc.

CERTIFICATE OF SERVICE

I, Timothy J. Cruz, do hereby certify that I caused to be delivered by United States Mail a true and correct copy of the above and foregoing document to the following addressee:

Joshua Bannister
P.O. Box 16562
Sugar Land, TX 77496

on this 5th day of October 2009.

/s Timothy J. Cruz
Timothy J. Cruz